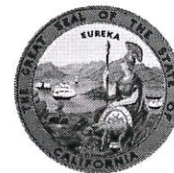




RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

Northern California Drinking Water Field Operations Branch
Monterey District



EDMUND G. BROWN JR.
Governor

April 4, 2014

Mr. Larry Tierney
District Facilities Manager
CSP-Andrew Molera State Reserve
2211 Garden Road
Monterey, CA 93940

Attention Mr. Tierney:

CITATION NO. 02-05-14C-007-2710301-25
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION FOR FEBRUARY 2014
CSP-ANDREW MOLERA STATE RESERVE - NO. 2710301

Enclosed is a Citation issued to the CSP-Andrew Molera State Reserve water system for failure to comply with the bacteriological monitoring and reporting requirements specified in Section 64424(1)(b), Chapter 15, Title 22, of the California Code of Regulations. Specifically, the water system failed to collect and report the required number of repeat bacteriological samples during the month of February 2014.

The Citation consists of four sections: Violation, Background, Directives, and Further Enforcement Actions. The Violation and Background sections describe the events leading up to the issuance of the Citation. The Directives section specifies required actions that must be implemented by the water system to return to compliance. The Further Enforcement Actions section describes penalties to be assessed for failure to comply with the Citation. No civil penalty is levied with the attached Citation.

Your water system will be billed at the Department's hourly rate for the time spent on issuing this Citation since this is an enforcement action for noncompliance with state regulations. The water system will receive a bill from our Fee Billing Unit in Sacramento. If you have any questions regarding this matter, please contact Shaminder Kler of my staff at (831) 655-6938 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosures

CERTIFIED MAIL NO. 7008-1830-0004-5435-0516

cc (w/enclosures): Monterey County Environmental Health Department

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Date of Issuance: April 4, 2014

RE: CSP-Andrew Molera State Reserve
Water System No. 2710301

TO: Mr. Larry Tierney
District Facilities Manager
CSP-Andrew Molera State Reserve
2211 Garden Road
Monterey, CA 93940

CITATION FOR NONCOMPLIANCE
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION
FEBRUARY 2014

Chapter 4, Article 9, Section 116650 of the California Health and Safety Code (H&S Code) authorizes the issuance of a Citation for failure to comply with this Chapter (California Safe Drinking Water Act) or any regulation, standard, permit, or order issued or adopted thereunder.



1 **Violation**

2
3 The California Department of Public Health, Drinking Water Field Operations
4 Branch, (hereinafter "Department") hereby issues a Citation to the CSP-Andrew
5 Molera State Reserve water system (hereinafter "CSP-Andrew Molera") for the
6 following violation:

7
8 Violation of bacteriological monitoring and reporting requirements for
9 compliance with the Total Coliform Rule (TCR) pursuant to Section
10 64424(1)(b), Chapter 15, Title 22, of the California Code of Regulations
11 (CCR).

12
13 Section 64424(1)(b) specifies that for each water supplier that normally
14 collects one or fewer samples per month, a repeat sample set shall be
15 at least four samples for each total coliform-positive sample. When
16 collecting the repeat sample set, the water supplier shall collect at least
17 one repeat sample from the sampling tap where the original total
18 coliform-positive sample was taken. Other repeat samples shall be
19 collected within five service connections upstream and downstream of
20 the original site.

21
22 The CSP-Andrew Molera water system failed to collect the required
23 number of repeat bacteriological water samples and report the analytical
24 results to the Department pursuant to Section 64424(1)(b), Chapter 15,
25 Title 22, CCR, for February 2014. This constitutes a violation of
26 bacteriological monitoring and reporting requirements for compliance

27



1 with the TCR for the CSP-Andrew Molera water system during the
2 month of February 2014.

3
4 **Background**

5
6 CSP-Andrew Molera is a transient non-community water system owned by the
7 State of California and operated by the California Department of Parks and
8 Recreation. It serves water to a population of approximately 200, consisting of
9 staff and park visitors through 22 service connections and includes a seasonal
10 horseback riding concession area. The water system has one permitted source,
11 Andrew Molera Well 01 (Primary Station Code: 2710301-001) which is
12 considered a groundwater source under the direct influence of surface water.
13 The CSP-Andrew Molera water system is required to collect and report one
14 bacteriological sample from the distribution system per month for compliance
15 with the TCR.

16
17 On March 6, 2014, Mr. Marc Lewis, Water and Sewage Plant Superintendent, for
18 the CSP-Andrew Molera water system, notified the Department that no repeat
19 bacteriological samples were collected following a total coliform-positive
20 distribution sample result, collected on February 12, 2014. Mr. Lewis indicated
21 that the water system staff did not become aware of the total coliform-positive
22 result because Monterey Bay Analytical Laboratory (MBAS) failed to provide a
23 service call to notify the CSP-Andrew Molera water system of the result, as
24 customary whenever a positive coliform sample is detected. However, Mr. Lewis
25 also stated that MBAS did provide notification to the water system by electronic
26 mail, dated February 14, 2014, but it was not reviewed by system staff as it was
27



1 assumed that no bacteriological detections had occurred for lack of a telephone
2 call from MBAS.

3
4 On March 19, 2014, the Department received five bacteriological analysis results
5 from the distribution system for compliance with TCR monitoring and reporting
6 requirements for the month after a total coliform-positive sample result. The
7 water system also reported one raw water sample from Andrew Molera Well 01.
8 The distribution and raw water samples were collected on March 12, 2014. All
9 samples tested free of coliform bacteria. Therefore, the CSP-Andrew Molera
10 water system has returned to compliance with bacteriological monitoring and
11 reporting requirements.

12
13 By electronic mail dated March 17, 2014, Department staff summarized the
14 conversation that took place on February 26, 2014, and follow-up actions
15 conducted by the CSP-Andrew Molera water system regarding the
16 bacteriological monitoring and reporting violation for February 2014. In
17 accordance with instructions received from the Department, on March 19, 2014,
18 the CSP-Andrew Molera water system submitted draft public notification
19 language for Department approval. On March 19, 2014, the Department gave
20 approval for the Andrew Molera water system to post the public notification within
21 areas served by the water system and on the systems' website. Following
22 submittal of a Proof of Notification form and a copy of the Department approved
23 public notification, the water system will be considered in compliance with public
24 notification requirements specified in Section 64463.7, Chapter 15, Title 22,
25 CCR.



1 Failure to collect and report repeat bacteriological samples from the distribution
2 system during February 2014, resulted in violation of bacteriological monitoring
3 and reporting requirements for the CSP-Andrew Molera water system for the
4 month of February 2014.

5
6 **Directives**

7
8 The CSP-Andrew Molera water system is hereby directed to take the following
9 actions:

10
11 1. Immediately cease and desist from failing to comply with Sections
12 64423(a) and 64423.1(c), Chapter 15, Title 22, CCR.

13
14 2. Submit proof that the water system conducted public notification of the
15 bacteriological water quality monitoring and reporting violation in
16 conformance with Section 64463.7, Chapter 15, Title 22, CCR. The
17 notification was to be completed in accordance with the following:

- 18
19 • Posting of the Public Notification in conspicuous places within the area
20 served by the water system within thirty (30) days of receipt of this
21 Citation. The Public Notification shall remain posted for a minimum of
22 seven (7) consecutive days.
- 23
24 • By one of the following secondary methods to reach persons not likely
25 to be reached by posting;
26
27



➤ By publication in a local newspaper or newsletter distributed to customers or by internet posting of the notice or by direct delivery to each customer served by the CSP-Andrew Molera water system. Notice by secondary method shall be conducted within thirty (30) days of receipt of this Citation. If the water system opts to issue the notice via internet website, the public notice shall remain posted for a minimum of seven (7) days. The CSP-Andrew Molera water system opted to conduct the secondary distribution of the notice by posting on the system's website.

3. Proof of Notification must be provided to the Department by submitting copies of the notice posted and distributed to the customers with the completed Proof of Notification form (Attachment A), to the Department by **April 30, 2014.**

4. The CSP-Andrew Molera water system shall comply with all routine and repeat monitoring requirements for coliform bacteria as specified in CCR, Section 64421 through 64426.5.

5. By **May 16, 2014**, the CSP-Andrew Molera water system must submit an action plan describing how communication between the contracted certified laboratory and water system staff will be completed to ensure no oversight of bacteriological or chemical monitoring detections occur. The plan must also include instructions for the operator-in-charge to follow in the event that the system's regularly used state certified laboratory is unavailable for emergency bacteriological analysis testing.



1 6. Complete and submit the enclosed Bacteriological Sample Siting Plan
2 (Attachment B). Ensure that a map or schematic is attached showing the
3 locations of routine and repeat sites, water sources and water storage
4 tanks. In addition, submit a rotation schedule that incorporates the
5 seasonal horse concession area. Complete and submit the
6 Bacteriological Sample Siting Plan to the Department no later than **May**
7 **16, 2014.**
8

9 All responses to the directives contained in this Citation shall be submitted to:

10
11 Jan R. Sweigert, P.E.
12 District Engineer, Monterey District
13 California Department of Public Health
14 Drinking Water Field Operations Branch
15 1 Lower Ragsdale, Building 1, Suite 120
16 Monterey, CA 93940

17 **Further Enforcement Actions**
18

19 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the
20 California Health and Safety Code authorizes the Department to: issue additional
21 citations with assessment of penalties if a public water system continues to fail to
22 correct a violation identified in a citation; take action to suspend or revoke a
23 permit that has been issued to a public water system if the system has violated
24 applicable law or regulations or has failed to comply with orders of the
25 Department; and petition the superior court to take various enforcement
26 measures against a public water system that has failed to comply with orders of
27 the Department. By issuance of this Citation, the Department does not waive



any right to take additional or alternative enforcement action against the System including, but not limited to, assessment of penalties as authorized by law.

Failure to comply with any provision or directive of this Citation may result in the Department imposing penalties.

4/4/2014
Date

Jan R. Sweigert
Jan R. Sweigert, P.E.
District Engineer, Monterey District
DRINKING WATER FIELD OPERATION BRANCH

Enclosures: Attachment A: Proof of Notification Form
Attachment B: Bacteriological Sample Siting Plan

CERTIFIED MAIL NO. 7008-1830-0004-5435-0516



PROOF OF NOTIFICATION**CSP-Andrew Molera State Reserve****System Number: 2710301****Certification**

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the CSP-Andrew Molera State Reserve of the violation of Title 22, California Code of Regulations for the compliance period of February 2014. I complied with the directives of this Citation as indicated below:

Required ActionDate Completed

Public Notification – Posting

Public Notification – List Secondary Method
Used: _____

Proof of Notification

Signature of Water System Representative_____
Date***** Attach a copy of the notice posted and distributed. *******THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.